

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Confirmation No.: 1551
Frank Henglein, et al.	Date: August 23, 2011
Serial No.: 10/582,066	Group Art Unit: 1731
Filed: March 15, 2007	Examiner: Ross J. Christie
For: COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC COATING HAVING A METALLIC, MULTICOLORED IRIDESCENT APPEARANCE; AND ARTIFICIAL FINGERNAIL (As Amended)	

VIA EFS-WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Please issue a corrected filing receipt for the above-identified patent application.

In the "Applicant(s)" section of the filing receipt, Christian Erker is incorrectly named as an inventor. The correct information for the "Applicant(s)" section of the filing receipt is as follows:

Frank Henglein, Nurnberg, GERMANY
Thomas Schuster, Lauf, GERMANY

On June 8, 2006, an Application Data Sheet containing the correct inventorship listed above was filed concurrently with this patent application (copy enclosed).

On December 8, 2006, an incorrect Declaration and Power of Attorney was filed with the U.S. Patent and Trademark Office for this patent application. The Declaration and Power of Attorney filed on December 8, 2006 for this patent application was intended to be filed in U.S. Patent Application No. 10/581,382, now U.S. Patent No. 7,549,701. Upon becoming aware of this situation, on March 15, 2007, applicants' counsel filed a "Submission of Substitute Declaration" containing the Declaration and Power of Attorney (copy enclosed) with the correct

inventorship for this patent application. The Submission explains that the Declaration filed on December 8, 2006 was an error and that it concerned another U.S. patent application.

Last, the title of the invention was amended in a Preliminary Amendment filed concurrently with this patent application via Express mail on June 8, 2006 (copy enclosed). The amended title, as it appears in the Preliminary Amendment, is as follows:

**COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC COATING
HAVING A METALLIC, MULTICOLORED IRIDESCENT APPEARANCE; AND
ARTIFICIAL FINGERNAIL**

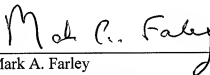
A marked-up copy of the filing receipt reflecting the errors to be corrected is enclosed.

It is respectfully requested that the U.S. Patent and Trademark Office issue a corrected filing receipt at the earliest possible date.

In the event payment of any fee is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON August 23, 2011.

Respectfully submitted,



Mark A. Farley
Registration No.:33,170
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

MAF:ck



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Admission COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/582,066	03/15/2007	1755	1430	P/746-5	28	1

CONFIRMATION NO. 1551

FILING RECEIPT

2352

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY100368403

Date Mailed: 05/30/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

~~Christian Erker, Usingen, GERMANY;~~
Frank Henglein, Nurnberg, GERMANY;
Thomas Schuster, Lauf, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 000002352

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DE04/02703 12/09/2004

Foreign Applications

GERMANY 103 58 091.3 12/10/2003

If Required, Foreign Filing License Granted: 05/25/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/582,066

Projected Publication Date: 09/06/2007

Non-Publication Request: No

Early Publication Request: No

Title

~~Cosmetic Preparations for the Generation of a Cosmetic Covering with a Metallic and~~
~~Multi-Coloured Shimmering Appearance and Artificial Fingernail~~

COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC COATING
HAVING A METALLIC, MULTICOLORED IRIDESCENT APPEARANCE;
AND ARTIFICIAL FINGERNAIL

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the

subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION		OPQS FILE NO. P/746-S																																								
<p>As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the foregoing entitled:</p> <p>COSMETIC PREPARATIONS FOR THE GENERATION OF A COSMETIC COVERING WITH A METALLIC AND MULTI-COLOURED SHIMMERING APPEARANCE AND ARTIFICIAL FINGERNAIL</p> <p>the specification of which is attached hereto, unless the following box is checked:</p> <p><input checked="" type="checkbox"/> was filed on <u>9 December 2004</u> as United States patent Application Number or PCT International patent application number <u>PCT/DE2004/002703</u> and was amended on _____ (if any).</p> <p>I hereby mean that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.</p> <p>I hereby claim priority benefit under Title 35, United States Code (§119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:</p> <p><i>Prior Foreign or Provisional Application(s)</i></p> <table border="1"> <thead> <tr> <th>COUNTRY</th> <th>APPLICATION NUMBER</th> <th>DATE OF FILING (day, month, year)</th> <th>PRIORITY CLAIMED UNDER 35 U.S.C. 119</th> </tr> </thead> <tbody> <tr> <td>Germany</td> <td>103 58 091.3</td> <td>10 December 2003</td> <td>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td></td> <td>YES <input type="checkbox"/> NO <input type="checkbox"/></td> </tr> <tr> <td></td> <td></td> <td></td> <td>YES <input type="checkbox"/> NO <input type="checkbox"/></td> </tr> </tbody> </table> <p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.</p> <table border="1"> <thead> <tr> <th>UNITED STATES APPLICATION NUMBER</th> <th>DATE OF FILING (day, month, year)</th> <th>STATUS (entered, pending, abandoned)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>I hereby appoint customer no. 2352 OSTROLEK, FABER, GERR & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Jerome M. Berliner - Reg. No. 18,653; Robert C. Faber - Reg. No. 24,522; Max Moskowitz - Reg. No. 30,576; James A. Fiedler - Reg. No. 30,173; William C. Gray, III - Reg. No. 30,544; Louis C. Dufsch - Reg. No. 30,615, and Douglas A. Miro, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office concerned therewith and to receive all correspondence.</p> <p>SEND CORRESPONDENCE TO: OSTROLEK, FABER, GERR & SOFFEN, LLP 1180 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10036-6403 CUSTOMER NO. 2352</p> <p>DIRECT TELEPHONE CALLS TO: (212) 342-9700</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <table border="1"> <tr> <td>FULL NAME OF SOLE OR FIRST INVENTOR Dr. Frank HENGLEIN</td> <td>INVENTOR'S SIGNATURE <i>x Frank Henglein</i></td> <td>DATE 02/01/2007</td> </tr> <tr> <td>RESIDENCE (City and either State or Foreign Country) Nürnberg, Germany</td> <td colspan="2">COUNTRY OF CITIZENSHIP Germany</td> </tr> <tr> <td colspan="3">POST OFFICE ADDRESS Virchowstrasse 17, 90409, Nürnberg, Germany</td> </tr> <tr> <td>FULL NAME OF SECOND JOINT INVENTOR OF Dr. Thomas SCHUSTER</td> <td>INVENTOR'S SIGNATURE <i>x Th. Schuster</i></td> <td>DATE 03/02/2007</td> </tr> <tr> <td>RESIDENCE (City and either State or Foreign Country) Laut, Germany</td> <td colspan="2">COUNTRY OF CITIZENSHIP Germany</td> </tr> <tr> <td colspan="3">POST OFFICE ADDRESS Frankenstrasse 9, 91207, Laut, Germany</td> </tr> </table>			COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119	Germany	103 58 091.3	10 December 2003	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				YES <input type="checkbox"/> NO <input type="checkbox"/>				YES <input type="checkbox"/> NO <input type="checkbox"/>	UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (entered, pending, abandoned)				FULL NAME OF SOLE OR FIRST INVENTOR Dr. Frank HENGLEIN	INVENTOR'S SIGNATURE <i>x Frank Henglein</i>	DATE 02/01/2007	RESIDENCE (City and either State or Foreign Country) Nürnberg, Germany	COUNTRY OF CITIZENSHIP Germany		POST OFFICE ADDRESS Virchowstrasse 17, 90409, Nürnberg, Germany			FULL NAME OF SECOND JOINT INVENTOR OF Dr. Thomas SCHUSTER	INVENTOR'S SIGNATURE <i>x Th. 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10/582066
AP3 Rec'd PCT/PTO 08 JUN 2006

P/746-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Frank HENGLEIN, et al.

Date: June 8, 2006

International Application No.: PCT/DE2004/002703

Group Art Unit: ---

International Application Filed: December 9, 2004

Examiner: ---

U.S. Serial No.: Not Yet Known

U.S. Filed: Herewith

For: **COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC
COATING HAVING A METALLIC, MULTICOLORED IRIDESCENT
APPEARANCE: AND ARTIFICIAL FINGERNAIL (As Amended)**

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Prior to examination on the merits, kindly amend the application as follows:

FEE CALCULATION

Any additional fee required has been calculated as follows:

_____ If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER		HIGHEST NO. PREVIOUSLY			RATE	ADDIT. FEE
	AMENDMENT			PAID FOR	EXTRA PRESENT		
TOTAL	28	MINUS	20	* =	0 X	(\$25 SE or \$50)	\$400.00
INDEP.	1	MINUS	3	** =	0 X	(\$100 SE or \$200)	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X (\$180 SE or \$360)	\$0

* not less than 20 ** not less than 3

TOTAL \$400.00

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

SUMMARY OF AMENDMENTS

1. ☐ If checked, an abstract (an amended abstract) is submitted herewith.
2. ☐ If checked, amendment(s) to the drawings are submitted herewith.
3. ☒ If checked, amendment(s) to the specification are submitted herewith.
4. ☒ If checked, amendment(s) to the claims are submitted herewith.

AMENDMENT(S) TO THE SPECIFICATION

Please amend the specification as follows:

Please delete the title of the invention and replace it with the following:

**COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC
COATING HAVING A METALLIC, MULTICOLORED IRIDESCENT APPEARANCE:
AND ARTIFICIAL FINGERNAIL**

Please insert a paragraph beginning at page 1, after the title of the invention:

CROSS REFERENCE TO RELATED APPLICATIONS

The present application is a 35 U.S.C. §371 National Phase conversion of PCT/DE2004/002703 filed December 9, 2004, which claims priority of German Application No. 103 58 091.3 filed December 10, 2003. The PCT application was published in the German language.

On page 1, after the Cross Reference To Related Applications, please insert:

Field of the Invention

On page 1, at line 7, before the paragraph beginning with, "A nail varnish that lends a metallic appearance to a fingernail...", please insert:

Background of the Invention

On page 3, at line 28, before the paragraph beginning with, "It is an object of the present invention to prepare a cosmetic composition...", please insert:

Summary of the Invention

On page 4, after line 18, please insert:

Brief Description of the Figures

Fig. 1 is a scanning electron microscope (SEM) image of an embossed PVD aluminum pigment; and

Fig. 2 is a schematic illustration of what is meant by a "peak to valley" and a "peak to peak" alignment, respectively.

On page 4, after the Brief Description of the Figures, please insert:

Detailed Description of Certain Embodiments of the Invention

On page 16, line 5, after the heading 'Examples', please insert:

The following Examples are provided only for purposes of illustration and are not to be construed as limiting the invention in any manner.

On page 24, please delete "Claims" and insert:

What is claimed is:

On page 29, please insert the following title at the top of the page:

**COSMETIC COMPOSITION FOR THE CREATION OF A COSMETIC COATING
HAVING A METALLIC, MULTICOLORED IRIDESCENT APPEARANCE: AND
ARTIFICIAL FINGERNAIL**

On page 29, please delete the heading 'Summary' and replace it with the following:

Abstract of the Disclosure

LISTING OF THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

- 1) (Original) A cosmetic composition for creating a cosmetic coating having a metallic and multicolored iridescent appearance, comprising a liquid phase and a PVD aluminum pigment, wherein said PVD aluminum pigment has diffractive structures containing from approximately 5,000 to approximately 20,000 structural elements per cm and a metallic aluminum content of from 90 to 100 % by weight, based on the weight of the aluminum pigment, and is present in the cosmetic composition at a pigmentation level of from 0.05 to 5.0 % by weight, based on the total weight the cosmetic composition.
- 2) (Original) The cosmetic composition as defined in claim 1, characterized in that said aluminum pigment has from approximately 7,000 to approximately 15,000 structural elements per cm.
- 3) (Currently Amended) The cosmetic composition as defined in claim 1 ~~or claim 2~~, characterized in that said cosmetic composition additionally contains at least one film-forming component and is a nail varnish.
- 4) (Currently Amended) The cosmetic composition as defined in claim 1 ~~or claim 2~~, characterized in that said cosmetic composition additionally contains one or more waxes and is a lip gloss composition.
- 5) (Currently Amended) The cosmetic composition as defined in claim 3, characterized in that said film-forming component comprises cellulose nitrate having a molecular weight of more than 56,000 g/mol ~~and preferably more than 112,000 g/mol~~.

- 6) (Currently Amended) The cosmetic composition as defined in claim 3 ~~or claim 5~~, characterized in that said film-forming component comprises cellulose nitrate.
- 7) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5 and 6~~, characterized in that said film-forming component comprises cellulose acetate butyrate having a molecular weight of preferably more than 83,000 g/mol.
- 8) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, and 7~~, characterized in that said liquid phase is an organic solvent ~~preferably selected from the group consisting of toluene, n-propyl acetate, isopropyl acetate, isopropyl alcohol, ethyl acetate, ethanol, glycol ether, n-butyl acetate, methyl propyl acetate, and mixtures thereof.~~
- 9) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, and 8~~, characterized in that said cosmetic composition additionally contains at least one of a plasticizer and and/or a dispersing agent.
- 10) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, and 9~~, characterized in that said cosmetic composition contains, as plasticizer, at least dibutyl phthalate, optionally together with saccharose acetate isobutyrate.

- 11) (Currently Amended) The cosmetic composition as defined in claim 9 ~~or claim 10~~, characterized in that said cosmetic composition contains, as dispersing agent, at least one of bentonites and ~~and/or~~ polymeric urea .
- 12) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, 9, 10, and 11~~, characterized in that the aluminum pigment is present at a pigmentation level of from 0.1 % to 2.0 % by weight.
- 13) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, 9, 10, 11, and 12~~, characterized in that said cosmetic composition additionally contains at least one coloring agent.
- 14) (Currently Amended) The cosmetic composition as defined in claim 13, characterized in that said coloring agent is at least one of a colored pigment ~~and/or~~ and a dye.
- 15) (Currently Amended) The cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14~~, characterized in that said diffractive structures are a reflection grating.
- 16) (Currently Amended) The composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15~~, characterized in that said PVD aluminum pigment has a layer thickness of from approximately 20 nm to approximately 140 nm ~~and preferably from approximately 20 nm to approximately 100 nm~~.

- 17) (Currently Amended) The cosmetic composition as defined in claim 4, characterized in that said liquid phase additionally contains at least one of an oil and/or and a gel.
- 18) (Currently Amended) The cosmetic composition as defined in claim 4 ~~or claim 17~~, characterized in that said cosmetic composition contains additives ~~such as~~ selected from the group consisting of antioxidants, coloring agents, emulsifiers, vitamins, perfumes, and/or fillers and combinations thereof.
- 19) (Currently Amended) The cosmetic composition as defined in claim 17 ~~or claim 18~~, characterized in that said oil is selected from the group consisting of castor oil, canola oil, lanoline oil, silicone oils, polybutylene, mineral oils, oleyl alcohol, isocetyl alcohol and esters including such as isopropyl myristate ~~[[or]]~~ and decyl oleate, and mixtures thereof.
- 20) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, and 19~~, characterized in that said wax is selected from the group consisting of carnauba wax, candelilla wax, ozocerite, ceresine wax, microcrystalline wax, synthetic waxes such as including the glycerin esters of C18 to C36 fatty acids, cetyl alcohol, stearyl alcohol, lanoline, beeswax, and mixtures thereof.
- 21) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, 19, and 20~~, characterized in that said cosmetic composition additionally contains at least one coloring agent.
- 22) (Currently Amended) The cosmetic composition as defined in claim 21, characterized in that said coloring agent is at least one of a colored pigment ~~and/or and~~ a dye.

- 23) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, 19, 20, 21, and 22,~~
characterized in that
said cosmetic composition further contains one or more additives selected from the group consisting of such as perfume, antioxidants, light-stabilizing agents, or preservatives.
- 24) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, 19, 20, 21, 22, and 23,~~
characterized in that
said aluminum pigment is present at a pigmentation level of from 0.2 to 2.0 % by weight, based on the total weight of the cosmetic composition .
- 25) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, 19, 20, 21, 22, 23, and 24,~~
characterized in that
said diffractive structures are a reflection grating.
- 26) (Currently Amended) The cosmetic composition as defined in claim 4 ~~any one of claims 4, 17, 18, 19, 20, 21, 22, 23, 24, and 25,~~
characterized in that
said PVD aluminum pigment has a layer thickness of from approximately 20 nm to approximately 140 nm ~~and preferably from approximately 20 nm to approximately 100 nm.~~
- 27) (Currently Amended) An artificial fingernail,
characterized in that
said artificial fingernail is coated with a cosmetic composition as defined in claim 3 ~~any one of claims 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.~~

Please add the following new claim:

28) (New) The cosmetic composition as defined in claim 8, wherein said organic solvent is selected from the group consisting of toluene, n-propyl acetate, isopropyl acetate, isopropyl alcohol, ethyl acetate, ethanol, glycol ether, n-butyl acetate, methyl propyl acetate, and mixtures thereof.

REMARKS/ARGUMENTS

Claims 1-27 are pending in the application. The claims have been amended to remove multiple dependencies and to place them in more appropriate form for U.S. practice. In addition, new claim 28 has been added. Both the claim amendments and the new claim are completely supported by the application as filed. Thus, there is no issue of new matter.

The specification has been amended to add Section Headings and a cross-reference to related applications. No new matter has been added.

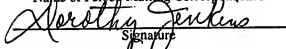
Entry of this Amendment into the file of the application is respectfully requested. Upon such entry, claims 1-28 as amended, will remain pending in the application.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (EV 606198634 US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 8, 2006

Dorothy Jenkins

Name of Person Mailing Correspondence

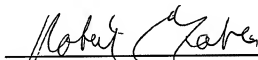


Signature

June 8, 2006

Date of Signature

Respectfully submitted,



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